

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:15-CV-42-BO

RED WOLF COALITION,
DEFENDERS OF WILDLIFE, and
ANIMAL WELFARE INSTITUTE,

Plaintiffs,

v.

THE UNITED STATES FISH AND
WILDLIFE SERVICE; DAN ASHE, in his
official capacity as Director of the United
States Fish and Wildlife Service; CYNTHIA
K. DOHNER, in her official capacity as
Regional Director of the United States Fish
and Wildlife Service Southeast Region.

Defendants.

**EXHIBIT B:
DEFENDANTS' PROPOSED
BRIEFING SCHEDULE**

Defendants the United States Fish and Wildlife Service ("USFWS" or "Service"), Dan Ashe, in his official capacity as Director of USFWS, and Cynthia K. Dohner, in her official capacity as Regional Director of the USFWS for the Southeast Region (collectively "Federal Defendants") propose the following schedule:

I. Scope of Review Briefing Schedule. Defendants propose the following briefing schedule to determine the scope of review applicable to this case, including the appropriateness of discovery and a *de novo* trial, as Plaintiffs have requested.

- June 15, 2016: Federal Defendants will file a motion to limit the scope of review to the administrative record.

- July 6, 2016: Plaintiffs will file their response to Federal Defendants' motion to limit the scope of review to the administrative record.
- July 20, 2016: Federal Defendants will file a reply in support of their motion to limit the scope of review to the administrative record.

Federal Defendants propose that within 14 days after resolution of the Federal Defendants' motion to limit the scope of review to the administrative record, the Parties will submit a new joint status report with a schedule for further proceedings in the case.

II. Administrative Record: Federal Defendants propose to lodge the administrative record for this case no later than **July 15, 2016**.

III. Pretrial Schedule and Deadlines. Federal Defendants submit that because judicial review in this case is limited to the administrative record, a pre-trial schedule and trial are neither necessary nor appropriate. Federal Defendants maintain that the disputed issues in this case should be decided on cross-motions for summary judgment, and will submit, in a motion to limit the scope of review to the administrative record, their arguments in support of this view. Federal Defendants propose that 14 days after resolution of the Federal Defendants' motion to limit the scope of review to the administrative record, the Parties will submit a new joint status report with a schedule for further proceedings in the case.

IV. Other issues. On March 24, 2016, the Center for Biological Diversity sent Federal Defendants a separate notice of intent to sue for alleged violations of the Endangered Species Act in connection with the red wolf recovery program raising claims similar to those made by Plaintiffs in this case. Federal Defendants are not yet aware if the Center for Biological Diversity will file suit pursuant to this notice, or, if it does, in what court it will file.